

REMARKS

Claims 1-3, 5-10, 12-14, 16 and 17 are pending in the application. Claims 1-3, 5-10, 12-14, 16 and 17 have been rejected. Claims 1, 7, 10 and 12 have been amended. No new matter has been added.

Claim Amendments

Claims 1, 7, 10, and 12 have been amended to clear of the indefiniteness caused by the use of "and/or" in the claims as indicated by the examiner. Claims 1 and 12 have also been amended to add the selection algorithms to the group of items that can comprise the forms. Support for this amendment can be found on page 4, lines 25-34 of the specification.

Rejections under 35 USC § 112

Claims 1, 7, 10, and 12 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regards as the invention. Specifically, the Examiner indicates the phrase "and/or" is indefinite because it is unclear whether the limitation(s) should be taken together or individually.

Applicants believe that the phrase (and/or) is not indefinite as it indicates that any combination of limitations may be used (together or individually). But, in the interest of moving prosecution forward, Applicants have amended the claims to replace the phrase "and/or" with alternate language describing the grouping of the limitations.

Rejections under 35 USC § 103

Claims 1-3, 5-10, 12, 16 and 17 have been rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Pat No. 5,583,758 to McIlroy et al. (hereinafter "McIlroy"). Applicants respectfully traverse the rejection.

Claims 1 and 12

Applicants respectfully disagree with the Examiner assertion as to what is taught or suggested by McIlroy. Specifically, McIlroy fails to teach or suggest at least one recorded

catalogue of recommended actions comprises hierarchised sequences of alternative actions, wherein said actions comprise sequential procedure steps and wherein for each of said steps the method generates electronic evaluation forms hierarchically organized as forms and subforms, forms comprising a list of one or more selected from the group comprising of recommended actions, information-input requests, decision-requests and selection algorithms, in function of said hierarchised sequences of alternative actions, and in function of the past history of all alternative actions so as to enable transfer of a group of evaluation forms and subforms in one operation into one file as set forth in amended claims 1 and 12.

The Examiner cites column 5, lines 14-20 of McIlroy in support of McIlroy teaching that not only one treatment option is given out to the user and that other alternative treatments, or even alternative evaluation recommendations can also be presented to the user. From this the Examiner concludes that it would be obvious for this to constitute "all alternative actions" as set forth in claims 1 and 12 as it could be a life or death situation if the patient is misdiagnosed or mistreated.

Applicants respectfully submit that this is not what claims 1 and 12 set forth. Claims 1 and 12 set forth generation of forms in function of said hierarchised sequences of alternative actions, and in function of the past history of all alternative actions. This allows for the reconstruction of the whole decision making sequence. That is, recording of the sequence is made before, during, and after the selection process, allowing for reconstruction of the whole decision making sequence including the sections thereof comprising alternatives that were not chosen in the end. This is in contrast to McIlroy in which any recording of the sequence takes place after the selection and normally is not used thereafter to steer the process.

As discussed in previous Responses, the question/data collection phase of McIlroy does not involve any recommended actions or sequences of actions. Questions are represented to the user and data is collected from the user. Neither the question nor the answer is an action within the stated meaning of a recommended action. Therefore, the question/answer sequence is neither a catalogue of recommended actions, nor a hierarchised sequence of alternative actions. That is, the user of the system of McIlroy is first presented with a question (which is not an action), and depending on the answer, the user is then presented with a choice of guidelines or more question (also not actions).

Further in McIlroy, the sequence of selections or answers made by the user is created at the time of use and are not in any *recorded* catalogue prior to selection by the user. Therefore, the sequence of selections by the user in McIlroy is not a *recorded* catalogue of recommended actions which is used to steer a process of interrelated actions, as set forth in the present invention. Any recording in of the sequence in McIlroy takes place after the selection and is normally not used thereafter to steer the process.

Applicants further note that the index component, question component, treatment component, and clinical decision components of McIlroy are not recorded in a catalogue but in separate databases. Indeed, the question component is comprised of separate databases, the questions in one database (Fig. 4) and the answers in another database (Figs 5-7). As such the cited sections of the reference do not disclose, teach or suggest a recorded catalogue of recommended actions comprised of hierarchised sequences of alternative actions.

The Examiner also cites column 5, lines 21-45 as disclosing a recorded catalogue of recommended actions. In actuality this section of McIlroy discusses a guideline viewed as a decision tree with multiple data collection nodes and conditional branching. The decision tree merely is used as a way of illustrating the logic used to arrive at the treatment options. The decision tree is not actually recorded in the system and is not a catalogue of recommended actions.

In addition, the treatment options provided in McIlroy are not listed as a “hierarchised sequence of alternative actions,” as set forth claims 1 and 12. The treatment options of McIlroy are actually “endpoints of navigation through the decision tree” and do not generate any further forms in the method of McIlroy (See col. 5, lines 24-26). In contrast, the present invention continues to guide the user through a process by generating hierarchically organized forms and subforms for each procedure step after presentation of the treatment options.

In light of the foregoing amendments and remarks, Applicants respectfully submit that McIlroy fails to teach or suggest each and every element of amended claims 1 and 12 and as such amended claims 1 and 12 are not obvious in view of McIlroy. Applicants therefore request the Examiner withdraw the rejections of claims 1 and 12 under 35 U.S.C. §103, and pass the claim to allowance.

Claims 2-3, 5-10, 13, 14, 16, and 17

Claims 2-3, 5-10, 13, 14, 16, and 17 depend from either claim 1 or claim 12 and as such incorporate each and every element of claim 1 or 12. As discussed above, McIlroy fails to teach or suggest each and every element of amended claims 1 and 12. Therefore, McIlroy fails to disclose each and every element of claims 2-3, 5-10, 13, 14, 16, and 17.


In light of the foregoing amendments and remarks, Applicants respectfully submit that amended claims 2-3, 5-10, 13, 14, 16, and 17 are not obvious in view of McIlroy. Applicants therefore request the Examiner withdraw the rejections of claims 2-3, 5-10, 13, 14, 16, and 17 under 35 U.S.C. §103, and pass the claim to allowance.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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